



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

MAR 10 2008

(AE-17J)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

David Dlubak  
Dlubak Glass Company  
11567 County Highway 110  
Upper Sandusky, Ohio 43351

Re: Notice of Violation  
Dlubak Glass Company  
Upper Sandusky, Ohio

Dear Mr. Dlubak:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Dlubak Glass Company (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you are violating the Ohio State Implementation Plan at your Upper Sandusky, Ohio facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

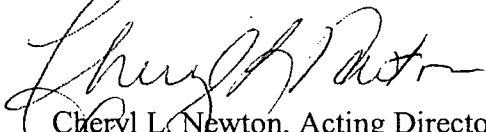
We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Charmagne Ackerman. You may call her at (312) 886-0448 to request a conference. You should make the request within 10 calendar days following receipt of this letter.

We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Cheryl L. Newton".

Cheryl L. Newton, Acting Director  
Air and Radiation Division

Enclosure

cc: Mark Budge, APC Manager  
Ohio Environmental Protection Agency Northwest District Office

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	
Dlubak Glass Company	)	<b>NOTICE OF VIOLATION</b>
Upper Sandusky, Ohio	)	
	)	<b>EPA-5-08-OH-06</b>
Proceedings Pursuant to	)	
Section 113(a)(1) of the	)	
Clean Air Act, 42 U.S.C.	)	
§ 7413(a)(1)	)	

**NOTICE OF VIOLATION**

The U.S. Environmental Protection Agency is issuing this Notice of Violation (NOV) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). EPA finds that Dlubak Glass Company (Dlubak) is violating the Ohio State Implementation Plan (SIP), as follows:

**Statutory and Regulatory Background**

1. On January 22, 2003, EPA approved certain portions of Permit to Install New Sources of Pollution, OAC 3745-31, as part of the federally enforceable SIP for Ohio. 68 Fed. Reg. 2909, 40 C.F. R. §52.1870(c)(127).
2. OAC 3745-31-02(A) of the Ohio SIP states that no person shall cause, permit, or allow the installation of a new source of air pollutants without first obtaining a permit to install from the director.
3. On June 10, 1982, EPA approved Permits to Operate and Variances, OAC 3745-35, as part of the federally enforceable SIP for Ohio. 47 Fed. Reg. 25144, 40 C.F.R. §152.1870(c)(42).
4. OAC 3745-35-02(A) of the Ohio SIP states that no person may cause, permit, or allow the operation or other use of any air contaminant source without applying for and obtaining a permit to operate from the Ohio Environmental Protection Agency in accordance with the requirements of this rule.

### **Dlubak's Facility**

5. Dlubak owns and operates a glass processing facility at 11567 County Highway 110, Upper Sandusky, Ohio 43351.
6. Dlubak operates four glass crushing units at its facility subject to OAC-3745-31-02(A) and OAC-3745-35-02(A).
7. Dlubak operates seven screening units at its facility subject to OAC-3745-31-02(A) and OAC-3745-35-02(A).
8. Dlubak operates two flake units at its facility subject to OAC-3745-31-02(A) and OAC-3745-35-02(A).
9. Dlubak operates one bubble glass processing unit at its facility subject to OAC-3745-31-02(A) and OAC-3745-35-02(A).

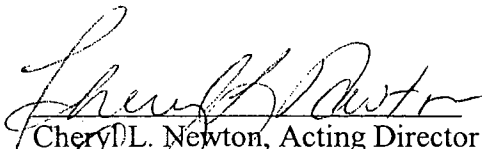
### **Violations**

10. Dlubak installed four glass crushing units at its facility without obtaining a permit to install. The glass crushing units are in violation of OAC-3745-31-02(A).
11. Dlubak is operating four glass crushing units without operating permits. The glass crushing units are in violation of OAC-3745-35-02(A).
12. Dlubak installed seven screening units at its facility without obtaining a permit to install. The screening units are in violation of OAC-3745-31-02(A).
13. Dlubak is operating seven screening units without operating permits. The screening units are in violation of OAC-3745-35-02(A).
14. Dlubak installed two flake units at its facility without obtaining a permit to install. The flake units are in violation of OAC-3745-31-02(A).
15. Dlubak is operating two flake units without operating permits. The flake units are in violation of OAC-3745-35-02(A).
16. Dlubak installed one bubble glass processing unit at its facility without obtaining a permit to install. The bubble glass processing unit is in violation of OAC-3745-31-02(A).
17. Dlubak is operating one bubble glass processing unit without operating permits. The bubble glass processing unit is in violation of OAC-3745-35-02(A).

Particulate matter, especially fine particulate, contributes to respiratory problems, lung damage and premature deaths. Lead has been shown to affect virtually every organ and/or system in the body in both humans and animals. Lead damages the central and peripheral nervous system, the kidneys and the body's ability to regulate vitamin D.

**MAR 10 2008**

\_\_\_\_\_  
Date

  
Cheryl L. Newton, Acting Director  
Air and Radiation Division

Protecting the environment is everyone's responsibility. Help EPA fight pollution by reporting possible harmful environmental activity.

To do so, visit EPA's website at <http://www.epa.gov/compliance/complaints/index.html>

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-08-OH-06, by


Certified Mail, Return Receipt Requested, to:

David Dlubak, President  
Dlubak Glass Company  
11567 County Highway 110  
Upper Sandusky, Ohio 43351

I also certify that I sent copies of the Notice of Violation by first class mail to:

Mark Budge, APC Manager  
Northwest District Office  
347 North Dunbridge Road  
Bowling Green, Ohio 43402

on the 10 day of MAR, 2008.

  
\_\_\_\_\_  
Loretta Shaffer, Secretary  
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0187 7062